

By *Mark Kablack,*  
*Esq. Chair*

## Zoning and 40B Subcommittee

The Zoning and 40B Subcommittee is tracking a number of zoning and c.40B initiatives on behalf of HBRAM. First and foremost, the current iteration of the Zoning Reform Bill has been filed again in the legislature (S. 122). A hearing was held on September 15 before the Joint Committee on Community Development and Small Business.

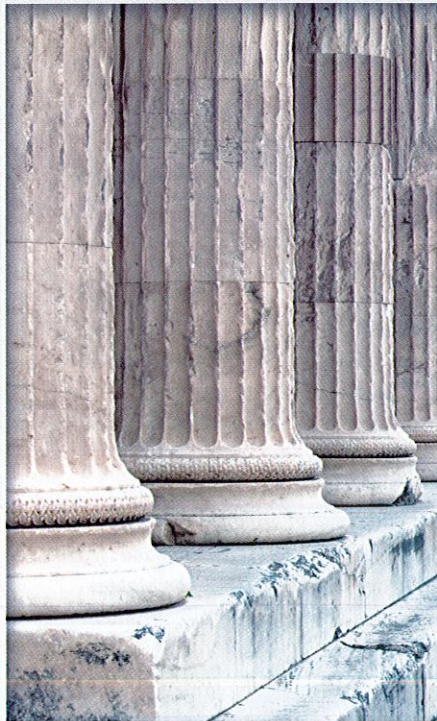
As in years past, there were many who testified in support of the bill, including the Smart Growth Alliance, one of the principal proponents. Benjamin Fierro, of Lynch & Fierro, provided testimony on behalf of HBRAM. While there are some aspects to the bill that are favorable to our industry, the bill as a whole has damaging impacts on the homebuilding industry, including provisions for the elimination of ANR Plan endorsement and the imposition of inclusionary zoning without a density bonus. The bill is not a housing production bill as many tout it to be, and our Subcommittee plans to continue to educate legislators on this point and work against the omnibus proposal in its current form.

On a related note, there is a housing production bill pending that was chiefly authored by CHAPA, and sponsored in part by Rep. Honan (H. 1111). A hearing is scheduled before the Joint Committee on Housing on September 29. This bill is favorable to the homebuilding industry with provisions that provide for the reasonable opportunity for multi-family housing in all municipalities, the allowance of cluster development by-right and the provision for additional

financial incentives under c.40S, MassWorks and programs for Gateway Cities. HBRAM plans to provide favorable testimony on this bill at the hearing.

We have also been working with the Senate Special Commission on Housing, which is a commission formed within the past few months aimed at addressing the housing problem in Massachusetts. Mark Kablack and Benjamin Fierro have been attending these sessions and participating in two breakout sub-groups, one on zoning initiatives and one on production needs. The Commission is currently focused on prospects for short-term solutions (the recommendations here largely regard financial incentives) and will then move to more substantial, long-term solutions. We will provide additional feedback on the Special Commission as matters develop.

Lastly, the subcommittee continues to work with DHCD and Project Administrators on matters affecting c.40B. A meeting was held recently as a follow-up to our concerns regarding cumbersome and disparate procedures for project eligibility and final approval, among other matters. The subcommittee also addressed the need to develop more predictable and firm criteria for the measurement of certain safe-harbor provisions in 40B, particularly the provisions for the calculation of minimum land area, and DHCD stated its commitment to further improve the LIP/LAU process. The ad-hoc group has agreed to continue to work toward these cooperative goals and plans to meet again in March, 2016.



## Your GAC Utility Subcommittee Hard at Work

By *Mark Leff*

The Utility Subcommittee of the HBRAM Government Affairs Committee has two priorities for the coming year. First, we aim to follow-up with National Grid on some of our recommendations to speed service to our developments. We also will engage National Grid on tighter time benchmarks for gas and electric engineering and installation for our member's developments. We have been informed that National Grid has expanded their engineering department to provide better service.

Secondly, we wish to engage Eversource in a similar dialogue. It is important that we establish a connection with this company to both discuss service issues, and obtain a point of contact for specific service problems that have been experienced by our members.

Lastly, we are intent on continuing our mission to inform administration officials and DPU officials on the difficulties our members have faced in getting timely performance for all utility companies.